

## REMARKS

By the present amendment, claims 9, 11, 14, 19, 23, 24, 25, 27, and 28 have been amended. Claims 10, 15, 16, 17, and 22 have been canceled. Claims 1-8 were previously canceled. Claims 29 and 30 have been added. No new matter has been added.

Claims 9, 11-14, 18-21, and 23-30 are currently pending in the application. Reconsideration and allowance of all the claims is respectfully requested in view of the foregoing amendments and the following remarks.

With Regard to the Rejection of Claims 9-11, 14, 16-19, 21, 22, 24, and 27 under 35 U.S.C. 102(b)

The Examiner has rejected claims 9-11, 14, 16-19, 21, 22, 24, and 27 under 35 U.S.C. 102(b) as being anticipated by Orlov et al., U.S. Patent 6,382,904. The Applicant believes that this rejection has been addressed and overcome by the present amendment.

Claims 10, 16, and 17 have been canceled, and as such, the Examiner's rejection is moot with respect thereto.

The limitations of claims 10 and 17 have been incorporated into independent claim 9 by the present amendment.

In the Office Action, the Examiner did not provide any reasons for his rejection of claim 17. Upon review of U.S. Patent 6,382,904, the Applicant believes the rejection of claim 17 over Orlov et al. to be unfounded.

In this respect, the Examiner's attention is directed to the following feature of claim 9 as amended:

**an annular fluid intake scoop and flow through encasement assembly surrounding the rotor and blade assembly, the encasement assembly having an interior surface and an exterior surface, the exterior surface of the encasement assembly being shaped to form an airfoil, so as to provide converging airflow for augmenting exhaust from the turbine.**

The Applicant submits that at least the above feature of claim 9 as amended (and previously found in claim 17) is not taught by Orlov et al.

Referring to column 2, lines 37, 38 of Orlov et al.,

The back edge of the outside shell coincides with its maximum diameter.

And referring to column 5, lines 1-4 of Orlov et al.,

In the back edge 13 meridian plane, angle  $\alpha$  of tangent declination to the external surface of the outside shell 8 equals 90-120 degrees with respect to the basement shear of the shell, as illustrated in FIG. 1.

It is apparent that when the angle  $\alpha$  is between 90 and 120 degrees and the back edge of the outside shell coincides with its maximum diameter, the exterior surface of the outside shell 10, as seen in Fig. 1, creates a diverging airflow at the rear of the outside shell 10. Since the exterior surface of the outside shell 10 of Orlov would be the exterior surface of the encasement assembly of the invention claimed by the Applicant, it is clear that the outside shell 10 does not form an airfoil, so as to provide converging airflow, as is claimed by the Applicant in amended claim 9.

Therefore, at least the above feature of claim 9 as amended is not taught by Orlov et al. and the Examiner is requested to withdraw this rejection.

With Regard to the Rejection of Claims 9, 10, 19, 25, and 26 under 35 U.S.C. 102(c)

The Examiner has rejected claims 9, 10, 19, 25, and 26 under 35 U.S.C. 102(c) as being anticipated by Francis, U.S. Patent 4,424,452. The Applicant believes that this rejection is moot in view of the present amendment.

In the present amendment, the limitations of claims 10 and 17 were incorporated into claim 9. As the Examiner had not rejected claim 17 in the Office Action as being anticipated by Francis, it is believed that the Examiner's rejection is moot with respect to claim 9 as amended and all of the dependent claims. Therefore, the Examiner is requested to withdraw this rejection

With the rejection being moot, the Applicant does not intend to discuss the correctness thereof at this time, but reserves all rights to do so at a later date should the need arise.

With Regard to the Rejection of Claims 9-11, 18, 19, 27, and 28 under 35 U.S.C. 102(e)

The Examiner has rejected claims 9-11, 18, 19, 27, and 28 under 35 U.S.C. 102(e) as being anticipated by Richter, U.S. Patent 7,214,029. The Applicant believes that this rejection is moot in view of the present amendment.

In the present amendment, the limitations of claims 10 and 17 were incorporated into claim 9. As the Examiner had not rejected claim 17 in the Office Action as being anticipated by Richter, it is believed that the Examiner's rejection is moot with respect to claim 9 as amended and all of the dependent claims. Therefore, the Examiner is requested to withdraw this rejection

With the rejection being moot, the Applicant does not intend to discuss the correctness thereof at this time, but reserves all rights to do so at a later date should the need arise.

With Regard to the Rejection of Claims 11-16, and 20 under 35 U.S.C. 103(a)

The Examiner has rejected claims 11-16, and 20 under 35 U.S.C. 103(a) as being unpatentable over Francis (4,424,452) in view of Karlsson et al. (4,320,304). The Applicant believes that this rejection is moot in view of the present amendment.

In the present amendment, the limitations of claims 10 and 17 were incorporated into claim 9. As the Examiner had not rejected claim 17 in the Office Action as being obvious over Francis in view of Karlsson, it is believed that the Examiner's rejection is moot with respect to

claim 9 as amended and all of the dependent claims. Therefore, the Examiner is requested to withdraw this rejection

With the rejection being moot, the Applicant does not intend to discuss the correctness thereof at this time, but reserves all rights to do so at a later date should the need arise.

With Regard to the Rejection of Claim 23 under 35 U.S.C. 103(a)

The Examiner has rejected the claim 23 under 35 U.S.C. 103(a) as being unpatentable over Francis (4,424,452) in view of Rabinow (2,973,041). The Applicant believes that this rejection is moot in view of the present amendment.

In the present amendment, the limitations of claims 10 and 17 were incorporated into claim 9. As the Examiner had not rejected claim 17 in the Office Action as being obvious over Francis in view of Rabinow, it is believed that the Examiner's rejection is moot with respect to claim 9 as amended and all dependent claims. Therefore the Examiner is requested to withdraw this rejection

With the rejection being moot, the Applicant does not intend to discuss the correctness thereof at this time, but reserves all rights to do so at a later date should the need arise.

With Regard to New Claims 29 and 30

New claims 29 and 30 are believed to be patentable in view of the dependency (directly or indirectly) from claim 9 and in view of the features recited therein.

In view of the above amendments and remarks, the Applicant respectfully submits that the currently pending claims 9, 11-14, 18-21, and 23-30 are allowable and that the Application is now in condition for allowance.

At the time of filing of the present response, all fees believed to be necessary were authorized to be charged to a Deposit Account number 502977.

Respectfully submitted,

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